

AMENDED IN SENATE JUNE 22, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 20, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2293**

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**Introduced by Assembly Member Torres**

February 18, 2010

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An act relating to housing, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2293, as amended, Torres. Housing: construction loans.

Existing law establishes the Multifamily Housing Program, the Joe Serna, Jr. Farmworker Housing Grant Program, and the Transit-Oriented Development Implementation Program, administered by the Department of Housing and Community Development, which provide assistance for multifamily housing, farmworker housing, and development of high density uses within close proximity to transit stations, respectively.

This bill would ~~authorize the department, until June 30, 2013, and for purposes of loan awards made pursuant to these programs require the department, upon request of a program award recipient unable to secure a construction loan on the private market, to contract with a construction lender to make permanent loan funds available and to escrow, reserve, or set aside permanent loan funds for a project as of the date of closing of the construction loan, as specified. The bill would authorize the department to charge a fee sufficient to cover the cost of~~

~~performing duties associated with implementing these provisions. The bill would require the department, within 3 months of its effective date, to comply with specified procedures and standards relating to the above requirements.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) This section shall apply to loan awards made  
2 pursuant to all of the following programs:

3 (1) The Multifamily Housing Program authorized by Chapter  
4 6.7 (commencing with Section 50675) of Part 2 of Division 31 of  
5 the Health and Safety Code.

6 (2) The Joe Serna, Jr. Farmworker Housing Grant Program  
7 authorized by Section 50517.5 of the Health and Safety Code,  
8 including, but not limited to, subdivision (c) of Section 50517.10  
9 of the Health and Safety Code.

10 (3) The Transit-Oriented Development Implementation Program  
11 authorized by Part 13 (commencing with Section 53560) of  
12 Division 31 of the Health and Safety Code.

13 ~~(b) The Department of Housing and Community Development~~  
14 ~~may, until June 30, 2013, do both of the following with funds~~

15 ~~(b) For each award recipient unable to secure a construction~~  
16 ~~loan on the private market, the Department of Housing and~~  
17 ~~Community Development shall, upon request and until June 30,~~  
18 ~~2013, offer one or both of the following with funds available to the~~  
19 ~~programs specified in subdivision (a):~~

20 (1) Contract with a construction lender to make permanent loan  
21 funds available for a project during the construction period, in  
22 which case the department shall, in conjunction with the  
23 construction lender, engage a construction inspector or utilize the  
24 reports of the construction inspector engaged by the lender.

25 ~~(2) Reserve or set aside funds for a project as of the date of~~  
26 ~~closing of the construction loan. The department shall establish a~~  
27 ~~procedure for determining which projects qualify to have funds~~  
28 ~~placed into escrow.~~

1     (2) *Escrow, reserve, or set aside permanent loan funds for the*  
2 *project as of the date of closing of the construction loan.*

3     (c) *On or before three months of the date this section takes*  
4 *effect, the department shall do both of the following:*

5         (1) *Establish and publish online, standards and requirements*  
6 *for award recipients and procedures for implementing one or both*  
7 *of the options specified in paragraphs (1) and (2) of subdivision*  
8 *(b).*

9         (2) *Begin offering one or both of the options specified in*  
10 *paragraphs (1) and (2) of subdivision (b). The department shall*  
11 *establish an initial application deadline and, for recipients who*  
12 *submit an application prior to that deadline and meet the*  
13 *department's threshold requirements, give priority to recipients*  
14 *in the order in which they received their awards. Thereafter, the*  
15 *department shall accept applications on an over-the-counter basis.*  
16 *The department may work with more than one recipient at a time.*

17     ~~(e)-(1)~~

18     (d) *The department may not exercise its authority pursuant to*  
19 *this section for any project that received an award after December*  
20 *18, 2008, until the department has received or obtained access to*  
21 *bond funds sufficient to fund all projects within the same class of*  
22 *tax-exempt or taxable bond projects that received an award prior*  
23 *to December 18, 2008.*

24     ~~(2) If the department exercises its authority pursuant to this~~  
25 ~~section, it shall provide the loans and funds specified in paragraphs~~  
26 ~~(1) and (2) of subdivision (b) to program awardees in the order in~~  
27 ~~which they received their awards.~~

28     ~~(3) The department may charge a fee sufficient to cover the cost~~  
29 ~~of performing the duties associated with the implementation of~~  
30 ~~this section.~~

31     SEC. 2. *This act is an urgency statute necessary for the*  
32 *immediate preservation of the public peace, health, or safety within*  
33 *the meaning of Article IV of the Constitution and shall go into*  
34 *immediate effect. The facts constituting the necessity are:*

35         *In order to expedite the construction of housing projects funded*  
36 *with housing bond funds and stimulate the creation of construction*  
37 *and permanent jobs, it is necessary that this act take immediate*  
38 *effect.*

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